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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,449	10/31/2000	Stepan Sokolov	SUNIP814/P5417	1902

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2122

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/703,449

Applicant(s)

SOKOLOV ET AL.

Examiner

Chuck Kendall

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Regarding Applicant's amendment of claim 1.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-29.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Response to Arguments

1. Applicant's arguments filed 06/01/2004 with regards to claims 1 – 29 have been fully considered but they are not persuasive to overcome the previous rejection.

Argument (1), In page 8 of response dated 06/01/2004, Applicant argues in claim 1, that Augusteijn doesn't teach "converting a virtual machine instruction in a virtual machine code and a data stream".

Response (1), Contrary to Applicant's argument Examiner believes that Augusteijn does show this functionality as set forth above in claims, see Augusteijn 12:8 – 15, "To be able to select the appropriate conversions means during execution, also data selection data is stored in the processing unit associating each further virtual machine instruction with the conversion data." As disclosed Augusteijn shows storing and virtual machine code and to associating data during conversion of virtual machine instructions. Regarding Applicant's argument that Augusteijn teaching pertains to native instructions, Examiner would like Applicant to note that Applicant's claims doesn't exclude native instructions therefore Applicant's argument is moot, in view of unclaimed merit of distinction.

Argument (2), Applicant also argues in claim 4, that Augusteijn, doesn't disclose "writing a representation of a first command associated with a first instruction into a code entry of the code stream, determining whether the first command has data associated with it, and writing a representation of the associated data or a reference to

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a representation of the data associated with the first command into a first data entry of the data stream when the command has associated data.”.

Response (2), Regarding Applicant's arguments as set forth above in claims Augusteijn does discuss these limitations for e.g.:

“...writing a representation of a first command associated with a first instruction into a code entry of the code stream...” see 12:9, for storing selection data; and
for

“...determining whether the first command has data associated with it...”, also see 12: 13 – 15, for associated see conversion data indicated by selection data; and
for

“...writing a representation of the associated data or a reference to a representation of the data associated with the first command into a first data entry of the data stream when the command has associated data.” see, 12: 1 – 15, see conversion table for data entry or data stream.

Argument (3), In claim 16 of Applicant's response, Applicant also argues that Augusteijn doesn't teach “ fetching a command associated with a virtual machine computer instruction from a code stream, and fetching from a data stream”.

Response (3), As set forth in claims Examiner believes this limitation to be equivalent to Augusteijn limitations as seen in 12: 1 – 15. Here Augusteijn shows fetching instructions as well as using selection data to retrieve and associate conversion data with the virtual instructions.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

7/14/04

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